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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUB-COMMITTEE

Twelfth Session

PROVISIONAL SUMMARY RECORD OF THE ONE HUNDRED AND NINETY-SECOND MEETING

Held at Headquarters, New York,
on Monday, 26 March 1973, at 3.25 p.m.

Chairman:

Mr. WYZNER

Poland

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OPENING OF THE SESSION

The CHAIRMAN declared open the twelfth session of the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space.

The remarkable advancement of space technology, exemplified by the launching of Apollo 17 and the accomplishments of Lunokhod 2, gave new urgency to the need for space law to keep pace with it. The Sub-Committee must respond to any new technological challenge by increasing its efforts to develop that law. It was gratifying that the Convention on International Liability for Damage Caused by Space Objects, a major accomplishment of the Sub-Committee, had come into effect on 1 September 1972. Reviewing the Sub-Committee's activities, he noted that some issues were still to be resolved in the formulation of a draft treaty relating to the moon and the draft convention on the registration of objects launched into space for the exploration and use of outer space. The General Assembly, in resolution 2915 (XXVII), had agreed that the Sub-Committee should pursue its work on both instruments as a matter of priority. In paragraph 7 of the same resolution, the Assembly had expressed the hope that the Sub-Committee would give early consideration to matters relating to the definition and/or delimitation of outer space and outer space activities, the various implications of space communications, the report of the Working Group on Direct Broadcast Satellites and matters relating to the activities carried out through remote sensing satellite survey of earth resources (A/8720, para. 19). Lack of time had prevented the Sub-Committee from considering those subjects in any detail at its previous session. In that connexion, he drew attention to resolution 2916 (XXVII) in which the Assembly had stated the necessity to elaborate principles governing the use by States of artificial earth satellites for direct television broadcasting with a view to concluding an international agreement or agreements and had requested the Committee on the Peaceful Uses of Outer Space to undertake the elaboration of such principles as soon as possible.

Mr. SLOAN (Director, General Legal Division), speaking as the representative of the Secretary-General, said that it was most fitting that the Legal Sub-Committee on outer space should be holding meetings at the same time as the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. There was a parallel development in the work

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(Mr. Sloan)

of the two organs in that the legal principles governing outer space activities and those governing activities in the area of the sea-bed and the ocean floor appeared to be very similar. The advancement of space technology was most spectacular and amazingly swift. It was a tremendous task for the law to keep pace with that rate of technological development and the Sub-Committee was to be congratulated on having completed three treaties in that field, all of which had come into force.

ADOPTION OF THE AGENDA (A/AC.105/C.2/L.84 and Corr.1)

The CHAIRMAN said that, following informal consultations which he had undertaken, he would suggest that the Sub-Committee should begin its session with a general exchange of views on the items before it. He further suggested that, in accordance with previous practice, the Sub-Committee should constitute two Working Groups to meet in rotation for a total of four days each, Working Group I to consider the formulation of a draft treaty relating to the moon and Working Group II to consider the drafting of a convention on registration. Immediately following the general exchange, the Sub-Committee might reconvene as Working Group I. The fact that the treaty relating to the moon was thus to be considered first in no way implied that it took priority over the question of the convention on registration. The two issues should receive equal consideration by the Sub-Committee. If there was no objection, he would take it that the Sub-Committee agreed to his suggestions.

It was so decided.

The agenda was adopted.

Mr. SOUZA E SILVA (Brazil) said that he would make no comment on the agenda as it had already been adopted. Nevertheless, the Sub-Committee customarily reviewed the organization of its work at the beginning of each session and it would be well for the agenda specifically to provide for such a discussion in future. He welcomed the Chairman's correct opening remarks and, particularly, the statement that the order in which the Working Groups were to discuss the items referred to them had no implications as to the priority of those items. The Committee on the Peaceful Uses of Outer Space had already decided that they should receive equal priority. Items 5 and 6 were being dealt with by other

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(Mr. Souza e Silva, Brazil)

Working Groups and the Sub-Committee should therefore ensure that they were discussed during the current session. The Brazilian delegation attached much importance to them.

The CHAIRMAN said that due note would be taken of the Brazilian suggestion for the inclusion of an item on the organization of work in the agenda of future sessions. The fact that the agenda had been adopted unanimously was proof of a general desire to discuss the items singled out by the Brazilian delegation.

GENERAL EXCHANGE OF VIEWS

Mr. PIRADOV (Union of Soviet Socialist Republics) said that, since the Sub-Committee's last session, there had been further evolution and expansion of co-operation between States in the field of the peaceful uses of outer space. Experience had confirmed the provision of the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon the other Celestial Bodies to the effect that broad international co-operation would contribute to the development of mutual understanding and to the strengthening of friendly relations between States and peoples. States were taking new steps in pursuance of the undertaking contained in article III of that Treaty.

On 12 July 1972, the Agreement on the Establishment of an International System and Organization of Space Communications (INTERSPUTNIK) had come into force. That Agreement was in full conformity with the 1967 Treaty and contemporary international law, including the United Nations Charter. The Agreement was based on the principle of mutual assistance, which in turn reflected a broader principle of international law, the principle of socialist internationalism. The non-restricted nature of the Agreement demonstrated the readiness of its signatories to extend the principle of mutual assistance to co-operation with all countries, including non-socialist ones. It thus demonstrated the consistency of the socialist countries' policy regarding the development of equitable and mutually advantageous co-operation between States irrespective of their socio-political systems.

On 24 May 1972, the USSR and the United States had signed an Agreement Concerning Co-operation in the Exploration and Use of Outer Space for Peaceful

(Mr. Piradov, USSR)

Purposes. In its preamble, the signatories stated their desire to make the results of scientific research gained from the exploration and use of outer space for peaceful purposes available for the benefit of the peoples of the two countries and of all the peoples of the world. In December 1972, experts from the USSR and the United States had signed a protocol to that Agreement concerning the first Soviet-American scientific expedition "Bering", in which research vessels flying USSR and United States flags, together with airborne laboratories, would carry out joint research in the Bering Sea on methods of monitoring natural processes on a global scale from artificial earth satellites. Preparations were being carried out for a joint experimental flight by Soviet and American manned spacecraft, which would dock to permit a reciprocal transfer of cosmonauts and astronauts. Both the Bering expedition and the preparations for the joint flight by the Soyuz and Apollo spacecraft were being carried out in order to develop science and technology and in the interests of peace and progress.

Continuing success was being achieved in Soviet-French co-operation. French equipment was operating successfully on Lunokhod 2.

The Soviet Union was continuing co-operation in the peaceful exploration of outer space with States which did not themselves have extensive space programmes. For example, in December 1972, the Academy of Sciences of the USSR had provided the Indian Academy of Sciences with samples of lunar soil obtained by the Luna 16 and Luna 20 automatic stations.

Proceeding on the basis that the generally accepted principles of international law should form the basis for international space law, the Soviet Government had, in August 1972, proposed that a convention on principles governing the use by States of artificial earth satellites for direct television broadcasting should be concluded. It was obvious that the development of that aspect of communications would promote further rapprochement between the peoples of the world, increased exchanges of cultural treasures and the raising of the educational levels of the peoples of various countries. In addition, work in that new field of activity should be based on such principles of general international law as the use of new technologies exclusively in the interests of peace and friendship between

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(Mr. Piradov, USSR)

peoples, the safeguarding of State sovereignty from any external interference, equality, co-operation and mutual advantage.

His delegation believed that there were good grounds for further progress during the Sub-Committee's current session. Lunar research was carried out both by means of landings of manned expeditions and through the use of automatic investigating devices. At present the Soviet automatic self-propelled vehicle Lunokhod 2 was observing many processes and physical characteristics of the moon's surface. The combination of automatic devices and lunar manned expeditions made possible ever greater progress in discovering the moon's secrets and carrying out increasingly extensive and comprehensive research which might finally lead to the use of the moon not only for scientific purposes, but also for purely practical goals, such as meeting the needs of astronautics and those of people living on earth.

Adoption of a treaty relating to the moon would promote co-operation between States in exploring the moon and would prevent possible misunderstandings between countries as to procedures and methods for using the moon.

The number of unsolved problems still remained with regard to the draft treaty on the moon. He believed that those problems would not create obstacles to the completion of the drafting if each delegation demonstrated a spirit of goodwill and adopted a constructive attitude to compromise formulations which were submitted. His delegation believed that a compromise could be reached by discussing the unresolved questions as a "package". The question of information concerning lunar expeditions and information on measures to prevent disruption of the equilibrium of the lunar environment could be settled by reference to article IX of the outer space Treaty. That article contained the key to a possible compromise solution.

Quite obviously, the problem of the scope of the Treaty and the object of the Treaty could not be solved independently of discussion of all of its articles. Before the question of rights and obligations of States was agreed upon, it would be difficult to determine the scope of those rights and obligations. On the other hand, those rights and obligations could be defined only with reference to a specific object or objects. That example confirmed the need for an over-all solution.

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(Mr. Piradov, USSR)

Another complex problem was that of the registration of space objects. His delegation had specific problems with regard to a number of provisions of the present draft. However, it would be ready to participate actively in the search for realistic and generally acceptable solutions which would promote increased co-operation in the peaceful uses of outer space.

Any formula which was based on mutually advantageous and equitable co-operation would always meet with his delegation's support. At the same time, it should be stressed that work in the field of international space law, like that in all other fields of international law, should be based on the existing generally accepted principles of international law. Those included the principles set out in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)).

His delegation believed that the Sub-Committee should continue to follow its tested practice of forming working groups with the specific task of drafting individual articles. His delegation was already in a position to submit a number of formulations which, it hoped, would help to bring the various views closer together and thus promote progress in the Sub-Committee's work. Finally, his delegation wished to declare its willingness to co-operate with all delegations which so wished with the aim of continuing the highly productive trend of the Sub-Committee's work.

Mr. RAO (India) said that his delegation wished to record its deep appreciation of the advances made by the space Powers in recent months in the field of outer space.

Some delegations had initially expressed doubts as to whether a convention on registration of objects launched into space was needed but had since adopted a positive attitude to such an instrument. That was a welcome development and he hoped that the Sub-Committee would be able to finalize a draft convention at its current session. His delegation was grateful for the French and Canadian joint proposals in that connexion.

The Indian delegation very much appreciated the constructive role of the USSR in submitting proposals relating to the draft treaty on the moon, as it did the United States and Argentine proposals in the same connexion. It also welcomed the fact that the representative of the Secretary-General had noted the relevance to

(Mr. Rao, India)

the work of the Sub-Committee of the principles being considered by the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor.

The developing countries, and the non-space Powers in general, attached considerable importance to the formulation of satisfactory provisions regarding the resources of the moon and other celestial bodies. Debates in the Committee on the Peaceful Uses of Outer Space and the First Committee of the General Assembly left no doubt that a considerable majority of delegations which had spoken on the item favoured the inclusion of certain elements in any instrument concerning those resources. Those elements were: (a) that the moon and other celestial bodies, and their resources, were the common heritage of mankind; (b) that States Parties to such an instrument should undertake to establish an international régime for the orderly and safe development and rational management of the resources of the moon and other celestial bodies, and expanding opportunities in the use thereof, and to ensure the equitable sharing by all States in the benefits derived therefrom, taking into particular consideration the interests and needs of the developing countries; and (c) that the exploitation of the resources of the moon and other celestial bodies should not be undertaken except in accordance with the international régime to be established, for which purpose the Depositary Government should convene a conference of all States Parties at the request of one third of such States. The Indian delegation was also concerned that the results of the scientific investigation of the moon and other celestial bodies should be disseminated on an international basis and shared with non-space Powers. It hoped that an appropriate provision to that effect would be included in the treaty relating to the moon.

Mr. REIS (United States of America) reported on the status of the treaties relating to outer space in respect of which it was acting as depositary. The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, had been signed by 89 States, while 63 States had either ratified it or acceded to it. The Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space had been signed by 79 States, while 55 States had either ratified it or acceded to it. The Convention on International Liability for Damage caused by Space Objects had been signed by 70 States, while 13 States had either ratified it or acceded to it. He hoped that the United States would shortly be able to deposit its instrument of ratification of the latter Convention.

(Mr. Reis, United States)

The United States delegation was optimistic as to the outcome of the current session; there was no intrinsic reason why the goals which the Sub-Committee had set itself should not be met. Following the last detailed discussion of the question of the treaty relating to the moon, the United States delegation had concluded that there was much merit in the view that while a treaty limited solely to lunar exploration would be too restricted, infinity would be too large a scope for such an instrument. The United States delegation was therefore prepared to consider a treaty dealing with the exploration of only the planets and other natural bodies within the solar system.

He endorsed the USSR delegation's comments regarding the joint space flight of cosmonauts and astronauts. His delegation looked forward to the exchanges which would result.

Mr. MILLER (Canada) said that the Sub-Committee had heard a gratifying account of growing co-operation in outer space and he welcomed the fact that knowledge gained in related activities was being shared.

The Chairman had been right to state that the treaty relating to the moon and the convention on registration were of equal priority. Canada, in co-operation with France, was most actively interested in the latter subject. The treaty relating to the moon was currently as important as it had ever been and should be approached in a spirit of international co-operation. The principles described by the USSR representative should extend to all inter-State relationships in the whole field of co-operation in outer space, including activities such as remote sensing, space broadcasting and the registration of objects launched into space. He agreed that the principles applicable to activities related to the sea-bed and the ocean floor would be found to be equally applicable in the Sub-Committee's work. The Canadian delegation's views with regard to the approach to be adopted by the Working Group dealing with the treaty relating to the moon had been expressed during the twenty-seventh session of the General Assembly. Its approach to both that question and that of the draft convention on registration would be flexible.

The matters covered in the report of the Working Group on Direct Broadcast Satellites were a further area in which his Government was actively concerned. The remote sensing of earth resources, which was very much in the developmental stage,

(Mr. Miller, Canada)

was something which the Sub-Committee should examine carefully in due course. Remote sensing activities represented another area of active Canadian interest. He assured the Chairman of his delegation's continued co-operation in the two areas of prime concern to the Sub-Committee, namely the treaty relating to the moon and the draft convention on registration.

The CHAIRMAN requested delegations intending to submit proposals regarding the formulation of the instruments to be considered by the Working Groups to transmit them in writing to the Secretariat.

The meeting rose at 4.35 p.m.



UNITED NATIONS

GENERAL ASSEMBLY



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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUB-COMMITTEE

Twelfth Session

PROVISIONAL SUMMARY RECORD OF THE ONE HUNDRED AND NINETY-THIRD MEETING

Held at Headquarters, New York,
on Tuesday, 27 March 1973, at 10.45 a.m.

Chairman:

Mr. WYZNER

Poland

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General exchange of views (continued)

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